

Emmett E. Lee Loy 5689
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Attorney for Defendant
EDISON PIANO VILLEGAS

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00026 JMS
)	
Plaintiff,)	NOTICE OF MOTION; MOTION
)	TO WITHDRAW AS COUNSEL;
vs.)	DECLARATION OF COUNSEL;
)	CERTIFICATE OF SERVICE
EDISON PIANO VILLEGAS, (02),)	
)	
Defendant.)	

NOTICE OF MOTION

TO: BEVERLY WEE SAMESHIMA
Assistant United States Attorney
PJKK Federal Building
300 Ala Moana Boulevard, Room 6100
Honolulu, Hawaii 96813

Attorney for Plaintiff
UNITED STATES OF AMERICA

PLEASE TAKE NOTICE that the following motion will be heard before
the Honorable _____ in his/her courtroom in the United
States Courthouse, 300 Ala Moana Boulevard, Honolulu, Hawaii, on _____ day, March
_____, 2006 at ____:____.m. .

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FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00026 JMS
)	
Plaintiff,)	MOTION TO WITHDRAW
)	AS COUNSEL
vs.)	
)	
EDISON PIANO VILLEGAS, (02),)	
)	
Defendant.)	

MOTION TO WITHDRAW AS COUNSEL

COMES NOW Defendant EDISON PIANO VILLEGA, by and through his counsel undersigned, and hereby moves this Honorable Court to withdraw as counsel due to a breakdown in the attorney-client relationship.

This motion is based upon the Sixth Amendment and the attached declaration of counsel.

DATED: Honolulu, Hawaii, March 28, 2006.

EMMETT E. LEE LOY
Attorney for Defendant
EDISON PIANO VILLEGAS

UNITED STATES OF AMERICA,)	CR. NO. 05-00026 JMS
)	
Plaintiff,)	DECLARATION OF COUNSEL
vs.)	
)	
EDISON PIANO VILLEGAS, (02),)	
)	
Defendant.)	

DECLARATION OF COUNSEL

I, EMMETT E. LEE LOY, hereby declare as follows:

1. I am counsel for defendant, EDISON PIANO VILLEGAS ("Mr. Villegas"), having been appointed pursuant to the Criminal Justice Act on December 2, 2004;
2. Your declarant has reviewed the files of this case extensively and discussed in person with Mr. Villegas at the U.S Marshall's Office on 12/2/04, 12/7/04, 1/21/05, 1/25/05, 5/24/05 and 8/18/05, as well at the Salvation Army Adult Rehabilitation Center ("SAARC") on 1/25/05, 2/8/05, 3/22/05, 3/29/05 and 5/13/05, in addition to and at the Federal Detention Center Honolulu ("FDC") on 12/10/04, 1/11/05, 6/2/05, 6/28/05, 7/20/05, 8/9/05, 9/9/05, 9/22/05, 10/4/05, 10/6/05, 11/7/05, 11/28/05, 1/8/06, 1/17/06, 2/3/06, 2/13/06, 3/22/06, and 3/27/06, in addition to, and on top of numerous telephone conversations from client;
3. On Monday, Thursday, March 16, 2006, Mr. Villegas contacted your Declarant.
4. Your Declarant received information that Mr. Longaman, a defendant in another criminal case, had already been sentenced and received a term of only 4 years;
5. It was disclosed that a "friend," Wesley Valion (who is apparently also a friend of, and closely associated with, both Pearly Moore and Longaman);
6. Not finding anything about Longaman being sentenced, on Wednesday, March 22, 2006, your Declarant went down to the FDC and met with Mr. Villegas.

7. The information turned out to be a lie and that Wesley Valion supposedly stated that he was “only joking.”
8. Your Declarant then provided a frank assessment of relying upon the veracity and accuracy of information received from others, especially while at the FDC.
9. Then on Monday, March 27, 2006, your Declarant again met with Mr. Villegas at the FDC in order to prepare Villegas for his upcoming sentencing on May 18, 2006.
10. At this meeting, Mr. Villegas “fired” your Declarant.
11. Mr. Villegas no longer has confidence in his presently assigned attorney’s ability to represent him adequately;
12. These doubts make it impossible for Mr. Villegas and your Declarant to discuss his case and is actively interfering with counsel’s ability to effectively represent Mr. Villegas at sentencing;
13. Counsel believes that the attorney-client relationship is so badly damaged that it cannot be repaired. In addition, your declarant believes that a new attorney might actually be able to move this case forward in an orderly manner in that Mr. Villegas may simply need to hear from another attorney.
14. That new counsel should be appointed from the CJA panel since Mr. Villegas’ indigent status has not changed.
15. The facts and statements set forth in the foregoing document are true and correct to the best of my knowledge and belief.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED: Honolulu, Hawaii, March 28, 2006.

EMMETT E. LEE LOY
Attorney for Defendant
EDISON PIANO VILLEGAS

CERTIFICATE OF SERVICE

I, EMMETT E. LEE LOY, hereby certify that a true and exact copy of the foregoing document was duly mailed and/or hand-delivered to the following on March 28, 2006.

BEVERLY WEE SAMESHIMA
Assistant United States Attorney
PJKK Federal Building
300 Ala Moana Boulevard, Room 6100
Honolulu, Hawaii 96813

Attorney for Plaintiff
UNITED STATES OF AMERICA

DATED: Honolulu, Hawaii, March 28, 2006.

EMMETT E. LEE LOY
Attorney for Defendant
EDISON PIANO VILLEGAS